

April 6, 2006

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **L03S0038**

**MEHRER SHORT PLAT**

Short Plat Appeal

Location: 8830 Northeast Juanita Drive, Kirkland

Applicants/

Appellants: Harold H. (Shorty) Mehrer, Jr. *et al.*  
*represented by* **Robert Villareale**  
11842 89th Place Northeast  
Kirkland, Washington 98034  
Telephone: (425) 823-1198  
Facsimile: (425) 823-8563

King County: Department of Development and Environmental Services,  
*represented by* **Barbara Heavey**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055  
Telephone: (206) 296-7222  
Facsimile: (206) 296-7051

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal

**EXAMINER PROCEEDINGS:**

Hearing Opened:	February 14, 2006
Hearing Continued Administratively:	February 14, 2006
Hearing Record Closed:	March 7, 2006

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On October 7, 2005, the King County Department of Development and Environmental Services (DDES) issued a decision denying preliminary short plat approval for the proposed *Mehrer* short subdivision. The Applicants (hereinafter “Appellants”) filed a timely notice of appeal of the short subdivision denial on October 22, 2005, with a follow-up statement of appeal received October 28, 2005.
2. The subject .9 acre (approximately 39,000 square foot) parcel proposed for short subdivision is located in the unincorporated *Goat Hill* area west of Juanita and the City of Kirkland. It possesses double road frontage, with the northern boundary fronting Northeast 116<sup>th</sup> Place and the southern boundary fronting Juanita Drive, an arterial road. The property’s zoning is R-4. The site terrain consists of a moderate to a fairly steep descent from the Northeast 116<sup>th</sup> Place frontage down to Juanita Drive. Sanitary sewer and water service are provided by the Northshore Utility District.
3. The proposed short subdivision would divide the property into four lots. The lot fronting Northeast 116<sup>th</sup> Place (Lot 4) would access that road directly via an individual driveway, while the three interior lots (Lots 1-3) would be provided access by a Joint Use Driveway (JUD), for which a variance was granted by the King County Department of Transportation (KCDOT) to allow three lots to use the JUD rather than two as normally limited. In sum, all of the lots would gain their vehicular access via Northeast 116<sup>th</sup> Place, not from Juanita Drive; in addition, it is noted from the Appellants’ trip distribution analysis that virtually all of the traffic generated by the development (38 daily trips; four during the p.m. peak hour) would utilize the Northeast 116<sup>th</sup> Place traffic route to Juanita Drive to access the arterial road system.<sup>1</sup>
4. The criteria to be applied in considering short subdivision cases are stated in KCC 19A.08.060 and, among other criteria of little relevance here, include state subdivision law (Chapter 58.17 RCW) and the 1993 King County Road Standards (KCRS; adopted by the county Roads and Bridges title, Title 14 KCC, in KCC 14.42.010).
5. On December 1, 2005, the Hearing Examiner conducted a pre-hearing conference with the parties to the appeal. On December 30, 2005 the Examiner issued a Pre-hearing Order and Notice of Hearing defining the issues raised on appeal as the following:
  - A. Would the proposed short plat have a significant adverse impact to traffic and pedestrian safety on NE 116<sup>th</sup> Place?
  - B. Does the proposed short plat make appropriate provisions for roads and school pedestrians given the substandard nature of NE 116<sup>th</sup> Place which provides access to the subject site?
  - C. Have DDES and KCDOT given sufficient review and consideration to the Appellants’ proposed traffic mitigation for adequacy of its mitigative properties?

---

<sup>1</sup>The alternative access route is via 117th Place, which has a section that is only approximately ten feet wide and therefore severely limited in width, making it much less attractive as an access route.

- D. Are the traffic and pedestrian safety impact mitigation requirements asserted by County staff as necessary for short plat approval disproportional to the impacts and do they therefore amount to an unreasonable taking in violation of substantive due process?
  - E. Should credit be given against the Mitigation Payment System (MPS) fees for offsite road improvements?
  - F. Should any and all evidence, etc., regarding the purported viable alternative access via Juanita Drive be excluded from the record as irrelevant to consideration of the short plat as proposed?
6. On January 26, 2006 the Examiner issued an Order denying an Appellant motion to exclude evidence regarding the Juanita Drive access alternative.<sup>2</sup>
7. Certain of the appeal issues are outside of the Examiner's jurisdiction in this appellate review, which is conducted *de novo*. Much has been made of the potential availability of alternate access to the proposed short subdivision via Juanita Drive, but as the Examiner stated at the commencement of the February 14, 2006, hearing, the Appellants were no longer designing their short subdivision in that manner and desired not to utilize such alternative, feasible or not, and therefore requested a straight up-or-down decision on their proposal utilizing the Northeast 116th Place access. The Examiner acknowledges that while it is certainly appropriate for DDES to make suggestions of design alternatives, particularly ones which DDES feels may have greater likelihood of approval, ultimately DDES's decisionmaking over short subdivisions must be focused on what is actually proposed by an applicant (other than the lawful exercise of conditioning authority, of course), and it is inappropriate for DDES to cite as a reason for denial the existence of an alternative design approach. The Examiner's consideration of the instant short subdivision appeal is therefore solely of the most recent version submitted by the Appellants, the proposed short subdivision utilizing Northeast 116th Place as its sole means of lot access.
8. The segment of Northeast 116th Place from Juanita Drive to the frontage of the subject property is extremely deficient and substandard and in the final analysis presents serious safety problems. It contains extremely narrow and winding roadway segments; the narrowness in places in the approximately 450-foot eastern section closer to Juanita Drive ranges from approximately 13-18 feet, to the point where two vehicles cannot pass and one must find a wider spot in the road to gain sufficient passing width; the westerly portion nearest the site is generally approximately 20 feet wide. It also has steep grades in places, and serious sight distance limitations, some caused by vertical alignment such as a sag vertical curve to the east of the site and some by horizontal alignment (the windingness previously mentioned). There are also numerous hazardous objects and other hazards in close proximity to the narrow roadway: utility poles, drainage catch basins, landscaping in the right-of-way, and a lack of shoulders. In addition, there are no distinct pedestrian facilities along the vast majority of Northeast 116th Place: pedestrians in many places have no choice but to walk in the roadway.<sup>3</sup> School bus service is not delivered to Goat Hill and

---

<sup>2</sup>The evidence and briefs of argument presented by the parties addressing the alternative access via Juanita Drive were not excluded from the hearing record because, as DDES noted, they were inextricably intertwined with those addressing other issues and additionally were desired to be in the record in the event of future litigation in an appeal of this decision.

<sup>3</sup>The Appellants contend that the qualifier "only" in the requirement of RCW 58.17.110(2) that subdivisions be found by the decisionmaker to make "appropriate provisions" for, *inter alia*, "features that assure safe walking conditions for students who only walk to and from school" limits the regulation to students who are not bused to school and walk the entire portion of their travel to their respective schools. Therefore, the Appellants argue that school pedestrian needs should not be taken into account in the consideration of the safety and adequacy of

in particular in this case on Northeast 116th Place; the school bus stop for resident schoolchildren is down at the Juanita Drive intersection.

9. DDES has termed the Northeast 116th Place access to the site from Juanita Drive “woefully inadequate for new subdivision” development, and “one of the poorest accesses to proposed subdivision in [the DDES official’s] 20-year experience.”
10. In an attempt to mitigate the development’s road and pedestrian safety impacts, the Appellants have offered a 300-foot long extent of off-site road improvements from the property’s frontage easterly down Northeast 116th Place as a part of their proposed short subdivision development. That would leave a remaining stretch of approximately 700 feet down to the Juanita Drive intersection unimproved, which remaining stretch has the worst severity of the aforementioned road and pedestrian safety problems (*i.e.*, narrowness, sight distance limitations, lack of pedestrian facilities, etc.). The improvement proposed would therefore improve the better part of the road, which as noted above is approximately 20 feet in width, while leaving the 13-18 foot wide portion untouched.
11. The Appellants argue that the off-site road improvement specifications which should pertain are not the King County Road Standards (KCRS), but only discretionary minimal standards: “resurfacing, restoration, and rehabilitation” projects are exempted from the standards in KCRS 1.02. But that is an erroneous reading of the standards. The applicable requirement for off-site improvements associated with the proposed short subdivision in this case is stated generally in KCRS 1.02 (“The Standards apply to...required off-site road improvements for land developments...”) and KCRS 1.03.A, which reads “any land development which will impact the service level, safety, or operational efficiency of serving roads or its required by other County code or ordinance to improve such roads shall improve those roads in accordance with these Standards. The extent of off-site improvements to serving roads shall be based on an assessment of the impacts of the proposed land development by the Reviewing Agency.” The proposed short subdivision is such a “land development.”
12. The Examiner concurs with KCDOT and DDES that the KCRS exemption from standards for county projects which provide interim, marginal or simple upkeep improvements (the aforementioned “resurfacing, restoration, and rehabilitation”) of existing roads is inapplicable to (as well as inappropriate for, in the context of the “appropriate provisions” test of RCW 58.17.110) new development proposals such as the proposed short subdivision. The concept is clear: minor road improvements may be conducted by the public agency which do not necessarily have to bring a road entirely up to any particular standards, since the improvements are not oriented to an increase in traffic caused by new development, but essentially to road maintenance and upkeep. But when new development causes an increase in traffic, the new development is responsible for providing at least those improvements necessary to bring serving roads, such as Northeast 116th Place in this case, up to minimally safe and convenient standards. Here, a new development is proposed with a net addition of three buildable lots, and the KCRS standards which apply to new land development pertain.
13. In this case, KCDOT and DDES have determined that for safety reasons, the sight distance, narrowness and pedestrian safety deficiencies of the entire stretch of Northeast 116th Place between the subject property and Juanita Drive would have to be improved to meet minimum

---

Northeast 116th Place. Aside from the dubious comprehensibility of the term “only” in this context of RCW 58.17.110, which is referenced by RCW 58.17.060 (the short subdivision approval section of the chapter) as applicable to short subdivisions as well as subdivisions, RCW 58.17.060 itself, which applies directly to short subdivisions, does *not* contain the qualifier in its requirement that *short subdivision* decisionmakers consider the need to “assure safe walking conditions for students who walk to and from school.” [RCW 58.17.060(2)]

development standards rather than mere maintenance “standards” in order for there to be “appropriate provisions” for roads, school-oriented pedestrians and the public health, safety and welfare. The Examiner finds the departments’ determinations to be a sufficient assessment of the road impacts of the proposed development.

14. The Appellants argue that there is no history of serious vehicular accidents and pedestrian injuries on the stretch of Northeast 116th Place from the property to Juanita Drive. That is interesting of note regarding past history, but in order to comply with RCW 58.17.110 (referenced by RCW 58.17.060), a short subdivision decisionmaker must exercise reasonable discretion on a forward-looking, prospective basis to assess whether appropriate provisions for roads, school-oriented pedestrians and public health, safety and welfare are made by a proposed short subdivision. The Examiner concurs with KCDOT’s and DDES’s professional judgments that allowing an additional three lots utilizing Northeast 116th Place for access, in its unsafe condition for both vehicles and pedestrians, and where its most unsafe conditions would remain for approximately 70 percent of its length from the property to Juanita Drive, would not make the necessary “appropriate provisions.”
15. The Appellants argue that the traffic generated by the development would only constitute approximately 6.5 percent of the trips currently utilizing Northeast 116<sup>th</sup> Place and should thus be considered a *de minimis* increase. Aside from a 6.5 percent increase in traffic being of dubious minimality, the issue also doesn’t lend itself readily to a *de minimis* analysis and the sort of mathematical reductionism advocated by the Appellants, when a) it involves public safety, particularly that of schoolchildren; and b) when the potential cumulative allowance of similar short platting would amount to more than any argued *de minimis* impact.
16. Some impairment to firefighting access is presented by the circuitous nature of Northeast 116<sup>th</sup> Place and its switchback intersection with 117<sup>th</sup> Place Northeast just beyond the subject property, which fire equipment would need to maneuver to fight fires efficiently in the development. The potential limitations on firefighting speed and effectiveness are not in the public interest to promote in approval of the short subdivision as proposed. The Appellants argue that those limitations are compensated for by the required sprinklering of any residences built on the proposed short plat lots, but sprinklering is only an amelioration of fire hazard to life safety and damage to the interiors, not exteriors of residences, and does not address at all the impairment of other emergency access needs such as emergency medical response by aid cars.
17. The Appellants also argue that the decision to allow the variance for the JUD to encompass a three-lot usage rather than the normally limited two-lot usage constitutes an allowance of access of the short subdivision onto Northeast 116th Place. That attempted expansion of the scope and effect of KCDOT’s variance decision is incorrect and misplaced: The granting of a variance to allow a greater number of lots to use a joint use driveway in no way constitutes anything more than just that, an increase in the number of lots which can use the *JUD*, and has no effect of authorizing the road access location itself or the short subdivision as a whole.
18. The Examiner declines to undertake the Appellants’ arguments that the instant short subdivision denial constitutes a taking of their property under the takings clause of the U.S. Constitution. The Examiner has very limited jurisdiction over constitutional issues, essentially limited to reviewing regulatory takings caused by imposition of specific mitigation measures and/or conditions of physical improvements, and in so doing addressing the *nexus* and proportionality requirements established in fairly recent case law regarding regulatory takings. The Examiner will not venture so far as to decide whether a simple denial of a proposed development under the

applicable statutory and local law<sup>4</sup> constitutes a taking. The “taking” asserted by Appellants is difficult to comprehend in this case, since the Examiner has not been presented with any legal authorities in this case, and has not been apprised of any in almost two decades of land use hearing examiner work, suggesting that land division *per se* is among the sticks in the bundle of property rights inherent in the ownership of real property. The Appellants are able to utilize their property, since it is presumably an established legal lot, for development of a residence or other permitted use. Subdivision, on the other hand, which creates more lots for development, is a different kettle of fish requiring assurance of numerous “appropriate provisions.” Subdividers can make those provisions themselves, or wait for them to be accomplished by others, either private forces (other developers) or public, such as in public road improvement projects. In any case, the constitutional issue of a prohibited taking is not for the Examiner to decide, as noted above, but must be brought in a court of general jurisdiction, *i.e.*, Superior Court.

19. The Appellants argue that the implied imposition of road improvements along the entire stretch of Northeast 116th Place (implied by the denial as being necessary for the proposed short subdivision to make sufficient “appropriate provisions”) is disproportional to the impact of the development and fails the proportionality prong of the two-part test for constitutional takings. That argument is misplaced in this case, which is one of simple denial rather than of the appropriateness of imposed conditions.
20. The issue of credit given against the Mitigation Payment System (MPS) fees for offsite road improvements is not a matter under the Examiner’s jurisdiction in this short plat appeal. It is premature. Appeal would be possible, but must follow the procedure established by KCC 14.75.150, which sets forth a process of the developer requesting a review of the fee amount, and reconsideration by the KCDOT department director or designee prior to formal issuance of a “final, appealable decision.” That would occur during and/or after construction plan review.

#### CONCLUSIONS:

1. The preponderance of the evidence in the record demonstrates that the short subdivision as proposed, including its proposed 300-foot extent of off-site road improvements along Northeast 116th Place, but leaving the substantial remainder of Northeast 116th Place in its substandard, unsafely narrow, sight distance-deficient and unsafe pedestrian configuration, would not make “appropriate provisions” for roads, for school-oriented pedestrians, and for the public health, safety and general welfare, all required by state subdivision law and implementing county code. DDES’s judgment in such regard is correct.
2. Since the proposed *Mehrer* short subdivision has not been shown to comply with the applicable regulatory criteria for preliminary approval in the topical areas addressed by the appeal, the Appellants have not met their burden of proof to demonstrate reversible error in DDES’s denial. The short subdivision denial is therefore affirmed and the appeal shall be denied.

---

<sup>4</sup>Subdivisions and short subdivisions are required under Washington statute and implementing King County code to make “appropriate provisions” for certain amenities and infrastructure improvements, and also for the public health, safety and general welfare, and must be found to be in the public interest. [RCW 58.17.110, referenced by RCW 58.17.060 for short subdivisions; also see KCC 19A.08.060]

## DECISION:

The appeal is DENIED.

ORDERED this 6th day of April, 2006.

---

Peter T. Donahue, Deputy  
King County Hearing Examiner

TRANSMITTED this 6th day of April, 2006, to the following parties and interested persons of record:

Alliant Eng. & Surveying  
Attn: Tim Schriever  
P.O. Box 2596  
Woodinville WA 98072

Glenn H. Blake  
8903 NE 116th Pl.  
Kirkland WA 98034

Christine Clanton  
8953 NE 116th Pl.  
Kirkland WA 98034

James & Deborah Dobler  
8825 NE 116th Pl.  
Kirkland WA 98034

Kelly Foley  
9000 NE 116th Pl.  
Kirkland WA 98034

Larne Gabriel  
16422 NE 50th St.  
Redmond WA 98052

Matthew Hough  
CPH Consultants  
733 - 7th Ave., Ste. 100  
Kirkland WA 98033

Karen Lightfeldt  
8958 NE 116th Pl.  
Kirkland WA 98034

Karen Lightfeldt  
8930 NE 116th Pl.  
Kirkland WA 98034

Shorty Mehrer  
Mehrer Construction  
8921 NE 118th Pl.  
Kirkland WA 98034

Angie & Jerrett Mentink  
8821 NE 118th Pl.  
Kirkland WA 98034

Samuel Park  
8812 NE 117th Pl.  
Kirkland WA 98034

Amy Rostad  
10038 NE 201st St.  
Bothell WA 98011

Michelle Stara  
119 - 12th Ave.  
Kirkland WA 98033

Transpo Group  
Attn: Daniel McKinney  
11730 - 118th Ave. NE, #600  
Kirkland WA 98034-7120

Robert Villareale  
11842 - 89th Pl. NE  
Kirkland WA 98034

Paul Wu  
8817 NE 116th Pl.  
Kirkland WA 98034-6113

Kim Claussen  
DDES/LUSD  
MS OAK-DE-0100

Craig Comfort  
DOT/Road Services  
MS KSC-TR-0222

Fereshteh Dehkordi  
DDES/LUSD  
MS OAK-DE-0100

Lisa Dinsmore  
DDES/LUSD  
MS OAK-DE-0100

Curt Foster  
DDES/LUSD  
Engineering Review Section  
MS OAK-DE-0100

Barbara Heavey  
DDES/LUSD  
MS OAK-DE-0100

Kristen Langley  
DDES/LUSD  
MS OAK-DE-0100

Joe Miles  
DDES/LUSD  
MS OAK-DE-0100

Cass Newell  
KC Prosecuting Attys' Office  
MS KCC-PA-0400

Carol Rogers  
DDES/LUSD  
MS OAK-DE-0100

### **NOTICE OF RIGHT TO APPEAL**

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

#### **MINUTES OF THE FEBRUARY 14, 2006, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03S0038.**

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Barbara Heavey, Curt Foster, Craig Comfort, Fereshteh Dehkordi, Kristen Langley and Joe Miles, representing the Department; Robert Villareale representing the Appellant, and Harold H. (Shorty) Mehler, Jr., Matthew Hough and Daniel McKinney.

The following Exhibits were offered and entered into the record:

- |                 |  |
|-----------------|--|
| Exhibit No. 1   | Report to the Hearing Examiner on proposed Mehler Short Subdivision Appeal   |
| Exhibit No. 2   | DDES File No. L03S0038 and Report and Decision of Short Plat Subdivision L03S0038 dated October 7, 2005  |
| Exhibit No. 3   | Notice of appeal received October 22, 2005   |
| Exhibit No. 4   | Statement of appeal received October 28, 2005  |
| Exhibit No. 5   | Sheet 1 of 2 of the preliminary development plan, Dobler-Mehler Short Plats received December 19, 2003   |
| Exhibit No. 6   | Road standards variance request to the county road engineer received August 9, 2004 with attached Road Variance L03V0086 for the proposed Mehler & Dobler Short Plats dated July 28, 2004  |
| Exhibit No. 7   | Letter from Timothy Schriever to Craig Comfort regarding road variance L03V0086 dated January 28, 2005 with attached road standards variance request to the county road engineer revised January 28, 2005 with descriptions and justifications for road variance L03V0086 dated January 28, 2005 |
| Exhibit No. 8   | Letter from Timothy Schriever to Craig Comfort regarding road variance L03V0086 dated March 22, 2005 with attached engineering plans (2 pages)   |
| Exhibit No. 9   | Letter from Robert Villareale to Craig Comfort regarding road variance L03V0083 dated April 7, 2005  |
| Exhibit No. 10  | Color photographs dated May 15, 2006; 10 pages including a cover sheet with thumbnail prints and file names; 9 pages of 4 photographs per page with the corresponding file number in lower right corner of each photograph   |
| Exhibit No. 11A | Letter from Paulette Norman to Tim Shriever regarding road variance L03V0086 – Mehler Short Plat dated May 31, 2005  |
| 11B             | Memo from Craig Comfort to the variance file regarding road variance L03V0086 – Mehler Short Plat dated May 31, 2005   |
| Exhibit No. 12  | Shorty Mehler Short Plat briefing sheet, undated and unsigned  |
| Exhibit No. 13  | Memo from Jim Rankin to Joe Miles regarding proposed short plat L03S0039 – (Mehler-Villareale) dated August 22, 2005   |
| Exhibit No. 14  | Color photographs; 7 numbered pages, one photograph per page   |
| Exhibit No. 15  | Letter from Fereshteh Dehkordi to Scott Emry regarding Mehler Short Plat dated September 9, 2005   |



- Exhibit No. 16 Letter from Robert Villareale to Joe Miles regarding Mehrer Short Plat dated June 8, 2005
- Exhibit No. 17 Letter from Joe Miles to Mr. Villareale and Mr. Mehrer regarding Mehrer Short Plat dated August 24, 2005
- Exhibit No. 18 Letter from Robert Villareale to Joe Miles regarding Proportionate Share Impact Memo of the Transpo Group dated August 25, 2005 with attachments; Road Profile of NE 116th Pl. setting forth proposed off-site road improvements; DDES file L03S0038 dated August 26, 2005 with attached Memorandum from Dan McKinney, Jr. of Transpo to Shorty Mehrer and Robert Villareale dated August 25, 2005; Mehrer Short Plat Roadway Access Plan received August 28, 2005
- Exhibit No. 19 Letter from Robert Villareale to Joe Miles regarding Your Letter dated August 24, 2005 made with reference to file no. L03S0038 (Short Subdivision) dated August 30, 2005
- Exhibit No. 20 DDES main project file for L03S0038
- Exhibit No. 21 Response from Deputy Fire Chief Jack Henderson of Kirkland Fire Department dated January 18, 2006
- Exhibit No. 22 Email from Bill Mudd to Shorty Mehrer dated December 1, 2005
- Exhibit No. 23 Letter to Jeff Gerhke from William Mudd, Deputy Fire Marshal dated July 22, 2005
- Exhibit No. 24 Corrected or Additional Information or Studies List
- Exhibit No. 25 Email from Craig Comfort to Timothy Schriever and engineer dated October 26, 2004
- Exhibit No. 26 Letter to Scott Emry from Robert Villareale regarding the denial of preliminary short plat approval
- Exhibit No. 27 Email from Scott Emry of the Lake Washington School District to Robert Villareale dated January 19, 2006
- Exhibit No. 28 NE 116th Pl. Profile Roadway Widening Plan
- Exhibit No. 29 Technical Memorandum to Robert Villareale from Matthew Hough and Jamie Schroeder of CPH Consultants dated January 23, 2006
- Exhibit No. 30 Memo from Dan McKinney to Shorty Mehrer and Bob Villareale dated August 25, 2005
- Exhibit No. 31 Memo from Dan McKinney to Shorty Mehrer and Bob Villareale dated January 20, 2006
- Exhibit No. 32 Letter to Peter Dye from Timothy Schriever dated September 24, 2004
- Exhibit No. 33 Email from Timothy Schriever to Craig Comfort dated December 7, 2004
- Exhibit No. 34 Color photographs showing topography of area
- Exhibit No. 35 Request for school information preliminary short plat to Lake Washington School District dated August 16, 2005